

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-17 have been canceled in favor of new claims 18-23. Support for the subject matter of the new claims is provided at least in Figs. 1 and 2, the original claims, and the specification on page 8, line 14, through page 12, line 1.

Claims 1 and 7-17 were rejected, under 35 USC §103(a), as being unpatentable over Benson (US 6,546,045) in view of Kobayashi et al. (US 6,246,732). Claims 2-6 were rejected, under 35 USC §103(a), as being unpatentable over Benson view of Kobayashi and Kitade et al. (US 6,134,262). To the extent these rejections may be deemed applicable to new claims 18-23, the Applicants respectfully traverse based on the points set forth below.

The Office Action proposes that Benson discloses selecting one of a plurality of receiving schemes (see Office Action section 2, lines 5-6). The Applicants respectfully disagree. The Applicants respectfully submit that the applied references fail to teach or suggest, *inter alia*, the feature recited in claim 18 of selecting to perform one of equalization processing

or RAKE reception of a received signal according to channel quality.

More particularly, Benson discloses a first modem that communicates a probe signal to a second modem, wherein the second modem processes channel measurements based on the received probe signal (Benson col. 2, lines 14-16). Thereafter, the second modem communicates information of the measurements to the first modem (col. 2, lines 16-18). Based on the received measurement information, the first modem selects one of several modulation schemes for transmitting subsequent data and communicates the selected modulation scheme to the second modem so that the second modem may select the appropriate demodulation scheme for demodulating the subsequently transmitted data (see col. 2, lines 18-30).

In summary, Benson discloses a transmitting modem that selects a modulation scheme based on measurement information provided by a receiving modem. Benson does not disclose or suggest a receiving apparatus that makes a selection based on the measurement information. Instead, Benson discloses that the receiving modem makes a selection (i.e., selects a demodulation scheme) based on a modulation mode identifier received from the transmitting modem. Thus, Benson does not disclose or suggest a

receiving apparatus that makes a selection based on channel quality.

Moreover, Benson does not disclose or suggest selecting a receiving method, such as RAKE reception or equalization processing. Instead, Benson discloses selecting a modulation/demodulation scheme. RAKE reception and equalization processing are not modulation/demodulation schemes, nor are they similar thereto.

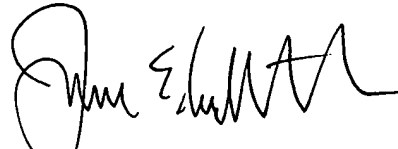
The Applicant respectfully submits that neither Kobayashi nor Kitade supplement the teachings of Benson with respect to the above-mentioned feature distinguishing new claim 18 from Benson's system.

Accordingly, the Applicants submit that the applied references, considered alone or together, fail to teach or suggest the subject matter defined by claim 18. More specifically, the references do not disclose or suggest the feature recited in claim 18 of selecting to perform one of equalization processing or RAKE reception of a received signal according to channel quality. Independent claim 21 similarly recites the feature distinguishing apparatus claim 18 from the applied references, but with respect to a method. Therefore, allowance of claims 18 and 21 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James E. Ledbetter', with a stylized, cursive script.

James E. Ledbetter
Registration No. 28,732

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JEL/DWW/att

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